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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,635	12/28/2000	Sharad C. Tripathi	PW 0275012 P10425	6021
27496	7590	12/23/2004	EXAMINER	
PILLSBURY WINTHROP LLP 725 S. FIGUEROA STREET SUITE 2800 LOS ANGELES, CA 90017			PHAN, TAM T	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/749,635

Applicant(s)

TRIPATHI, SHARAD C.

Examiner

Tam (Jenny) Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined. Amendment received on 08/09/2004 has been entered. Claims 1, 22, 25, and 27 are currently amended. Claims 2-21, 23-24, 26, 28-30 are previously presented.
2. Claims 1-30 are presented for examination.

Priority

3. No priority claims have been made.
4. The effective filing date for the subject matter defined in the pending claims in this application is 12/28/2000.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-19 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over L'Heureux et al. (U.S. Patent Number 6,697,942) hereinafter referred to as L'Heureux in view of Flores et al. (U.S. Patent Number 6,567,937), hereinafter referred to as Flores, further in view of Worley et al. (U.S. Patent Number 6,651,190), hereinafter referred to as Worley.
7. Regarding claim 1, L'Heureux disclosed a method for managing at least one server using remote intelligent mail messages (Title), the method comprising: receiving, by a mail agent, an electronic mail message, requesting a service relevant to the at

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least one server (column 13 lines 4-15, column 3 lines 32-48); deciphering the electronic mail message to understand the nature of the service requested (Figure 3 sign 312, column 3 lines 32-48, column 13 lines 20-27); determining whether the user has a privilege to obtain the service (column 3 lines 52-57, column 12 lines 48-55); and performing the service, by the mail agent, if the user has the privilege, to produce a service outcome (column 8 lines 54-66, column 13 lines 56-65).

8. L'Heureux taught the invention substantially as claimed. However, L'Heureux did not expressly teach a method for managing at least one server using remote intelligent mail messages wherein the electronic mail message is sent by a user and the service request is by the user.

9. L'Heureux suggested exploration of art and/or provided a reason to modify the method with the user control feature (column 2 lines 25-30, lines 37-43).

10. In an analogous art, Flores disclosed a method for managing at least host computer [one server] using remote intelligent mail messages wherein the electronic mail message is sent by a user and the service request is by the user (Abstract, column 2 lines 22-35, column 4 lines 25-43, column 5 lines 1-8).

11. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of L'Heureux with the teachings of Flores in order to allow users to selectively initiate one of a plurality of possible software fault recovery actions (Flores, column 2 lines 31-35) since this enable users to monitor mission critical applications 24-hour a day without incurring the cost of having a dedicated attendant (Flores, column 4 lines 62-67).

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12. The combination of L'Heureux and Flores taught the invention substantially as claimed, however, the combination of L'Heureux and Flores did not expressly teach the requesting service being relevant to a hardware component of at least one server.

13. Flores suggested exploration of art and/or provided a reason to modify the server managing method with additional features such as hardware component monitoring and servicing (Figure 4, Table 1, column 5 lines 26-27).

14. Worley disclosed a server managing method wherein the requesting service being relevant to a hardware component of at least one server (Abstract, Figure 4, column 3 lines 27-56).

15. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined method of L'Heureux and Flores with the teachings of Worley to include the service being relevant to a hardware component feature in order to allow users to monitor and control the host [server] computer's hardware (Worley, column 3 lines 42-47) since users may provide hardware service to the host computer (Worley, column 3 lines 21-26) without having to be physically present thus leading in additional savings (Worley, column 4 lines 34-41).

16. Regarding claim 2, L'Heureux disclosed a method wherein the mail agent runs on one of the at least one server (Figures 1-2, column 3 lines 29-31).

17. Regarding claim 3, L'Heureux disclosed a method wherein the electronic mail message includes an encrypted electronic mail message (Figure 3 sign 322, column 12 lines 56-64).

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18. Regarding claim 4, L'Heureux and Flores disclosed a method wherein the user belongs to at least one category of a set of categories (L'Heureux, column 13 lines 4-27; Flores, column 58-67, column 5 lines 1-8).
19. Regarding claim 5, L'Heureux and Flores disclosed a method wherein the at least one category includes a category of server administrators having a complete information access privilege (L'Heureux, column 13 lines 4-27; Flores, column 58-67, column 5 lines 1-8).
20. Regarding claim 6, L'Heureux and Flores disclosed a method wherein the at least one category includes a category of users having an access privilege to view information only (L'Heureux, column 13 lines 4-27; Flores, column 58-67, column 5 lines 1-8).
21. Regarding claim 7, Flores disclosed a method wherein the user sends the electronic mail message from a client (column 2 lines 22-35, column 4 lines 58-67, column 5 lines 1-8).
22. Regarding claim 8, Flores disclosed a method wherein the client includes one of a remote computer, a cellular phone, and a wireless handheld device (column 2 lines 22-26, column 3 lines 11-37).
23. Regarding claim 9, L'Heureux disclosed a method wherein the deciphering comprises parsing the electronic mail message (Figure 3 sign 312, column 3 lines 32-37).

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24. Regarding claim 10, L'Heureux disclosed a method further comprising decrypting the electronic mail message, if the electronic mail message is sent encrypted (Figure 3 sign 322, column 3 lines 32-40).

25. Regarding claim 11, L'Heureux disclosed a method wherein the determining comprises: examining the security credentials of the electronic mail message; authenticating the user; verifying the access privilege of the user based on an access control list stored in the server; and deciding whether the user has the privilege for the service based on results from the examining, the authenticating, and the verifying (column 12 lines 48-64, column 13 lines 4-15).

26. Regarding claim 12, Flores disclosed a method wherein the service includes inquiring as to health information of the at least one server (column 3 lines 38-50).

27. Regarding claim 13, L'Heureux and Flores disclosed a method wherein the health information includes memory usage (L'Heureux, column 6 lines 53-65; Flores, column 3 lines 38-50, column 4 lines 45-57).

28. Regarding claim 14, Flores disclosed a method wherein the performing comprises: contacting at least one server to which the service pertains; obtaining the health information from each server that is contacted by the contacting; and generating the service outcome by composing a health information report based on the health information obtained by the obtaining (Abstract, column 1 lines 47-63, column 3 lines 38-50).

29. Regarding claim 15, L'Heureux disclosed a method wherein the service includes taking at least one action on the at least one server (column 2 lines 22-35).

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30. Regarding claim 16, Flores disclosed a method wherein the action includes a reboot (Figure 4, column 3 lines 25-36).

31. Regarding claim 17, L'Heureux disclosed a method wherein the performing comprises: connecting to at least one server to which the service pertains; executing the at least one action on the at least one server; determining the effect of the at least one action on the at least one server; and generating the service outcome based on the effect, determined by the determining (column 3 lines 32-42, column 4 lines 53-60, column 5 lines 13-19, column 8 lines 47-53, lines 61-67).

32. Regarding claim 18, L'Heureux disclosed a method further comprising generating a return electronic mail message based on the service outcome and sending the return electronic mail message to the user as a reply to the requesting a service (column 8 lines 47-53, lines 61-67).

33. Regarding claim 19, L'Heureux disclosed a method further comprising encrypting the return electronic mail message prior to the sending (column 12 lines 48-64).

34. Regarding claims 22-24, the system corresponds to the method of claims 1-2 and 8, and thus these claims are rejected using the same rationale.

35. Regarding claims 25-26, the mail agent corresponds to the method of claims 1 and 10, and thus these claims are rejected using the same rationale.

36. Regarding claims 27-28, the system corresponds to the method of claims 1 and 9, and thus these claims are rejected using the same rationale.

37. Since all the limitations of the claimed invention were disclosed by the combination of L'Heureux and Flores, claims 1-19 and 22-28 are rejected.

38. Claims 20-21 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walukiewicz (U.S. Patent Number 6,510,454) in view of Frantz (U.S. Patent Number 6,003,070).

39. Regarding claim 20, Walukiewicz disclosed a method for managing at least one server using remote intelligent mail messages, the method comprising: obtaining, from at least one server health monitoring system, health information about at least one server (Title, Abstract, column 2 lines 21-34, column 16-28); generating a first electronic mail message using the health information; sending, by a mail agent, the first electronic mail message to a user (column 2 lines 36-48, column 3 lines 56-66).

40. Walukiewicz taught the invention substantially as claimed. However, Walukiewicz did not expressly teach a method wherein receiving a second electronic mail message, sent by the user, requesting a service relevant to the at least one server; deciphering the second electronic mail message to understand the nature of the service requested by the user; determining whether the user has a privilege to obtain the service; and performing the service, by the mail agent, if the user has the privilege for the service.

41. Walukiewicz suggested exploration of art and/or provided a reason to modify the method of Walukiewicz with the email service request feature (column 4 lines 42-44, column 5 lines 19-26).

42. Frantz disclosed a method wherein receiving, by the mail agent, a second electronic mail message, sent by the user, requesting a service relevant to the at least one server (column 2 lines 39-46, column 4 lines 43-51, column 7 lines 49-55, column 8

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lines 49-52); deciphering the second electronic mail message to understand the nature of the service requested by the user (column 4 lines 43-51, column 8 lines 49-52); determining whether the user has a privilege to obtain the service (column 3 lines 39-50, column 8 line 41); and performing the service, by the mail agent, if the user has the privilege for the service (column 3 lines 39-50, column 4 lines 43-51).

43. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Walukiewicz with the teachings of Frantz to include the service request email feature in order to allow server administrators remote query and maintenance of the server equipment (Franz, column 3 lines 10-20) since administrators would not always be available onsite to monitor and diagnose problems (Franz, column 1 lines 25-29).

44. Regarding claim 20, Walukiewicz and Frantz disclosed a method wherein the first electronic mail message is generated by the mail agent (Walukiewicz, Figure 3, sign 305, column 3 lines 6-14; Frantz, Figure 1, column 4 lines 32-42, lines 56-67).

45. Regarding claims 29 and 30, the system corresponds directly to the method of claim 20 and 21, and thus these claims are rejected using the same rationale.

46. Since all the limitations of the claimed invention were disclosed by the combination of Walukiewicz and Frantz, claims 20-21 and 29-30 are rejected.

Response to Arguments

47. Applicants' arguments filed 08/09/2004 with respect to the pending claims 1-19 and 22-28 have been considered but are moot in view of the new ground(s) of rejection.

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48. In response to applicant's argument "the L'Heureux reference discloses command blocks having diverse data types which may be embedded in an email message. These commands are however used to update a user's Address book, Calendar or Internet configuration", it is submitted that although L'Heureux disclosed specific examples of using these command blocks to update a user's address book, calendar, etc., L'Heureux also disclosed "the ability to download binary code for execution by the remote device using a standard e-mail message. The exact code may be tailored to any target CPU without modification to the method of the invention. Simple functions or programs are the norm, but it should be obvious to those skilled in the art that complete complex programs may be sent using the method of the present invention" (column 14 lines 56-63).

49. In response to applicant's argument that the combination of Flores and L'Heureux does not disclose a method of "receiving, by a mail agent, an electronic mail message, sent by a user, requesting a **service relevant to a hardware component** of at least one server," it is submitted that Worley disclosed a server managing method wherein the requesting service being relevant to a hardware component of at least one server. L'Heureux and Flores are relied upon to combine the steps of receiving the electronic email message, deciphering the message, and determining the user privilege prior to performing the service request.

50. In response to applicant's argument that the combination of Flores and L'Heureux does not teach a method including "determining whether the user has a privilege to obtain the service" or "performing the service, by the mail agent, if the user

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has the privilege, to produce a service outcome", it is submitted that L'Heureux disclosed a secure transaction environment where the electronic mail message is parsed and decrypted prior to execute the service request (column 3 lines 32-37). In addition L'Heureux also disclosed the use of a dynamic security key, which eliminates any messages from unwanted senders (column 3 lines 54-57). Thus, it is obvious that users with no privilege will not be able to obtain service request and vice versa. In addition, checking user privilege prior to permit service requests on computer peripherals were well known at the time of the invention was made as exemplified by Worley and the prior art of record (Refer to PTO-892 for details). For instance, Worley disclosed a method wherein the service technician must log into the system prior to initiate and/or perform any service request or service execution (column 10 lines 34-44).

51. Applicant's arguments filed 08/09/2004 with respect to the pending claims 20-21 and 29-30 have been fully considered but they are not persuasive.

52. In response to applicant's remark "Independent claim 20, as amended, now recites", the Office would like to point out that claim 20 is listed as original in the submitted claims filed 08/09/2004.

53. In response to applicant's argument that the combination of Frantz and Walukiewicz does not disclose a method that includes "receiving, by the mail agent, a second electronic mail message, sent by the user, requesting a service relevant to the at least one server", it is submitted that Frantz disclosed a method for managing electronic device [computer, server] by using a series of interactions of sending and receiving emails (column 2 lines 36-38) wherein after the remote technicians receive the

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e-mail messages from the mail agent informing the health status of the device, the technicians send a second e-mail instructions requesting a service to correct and repair the device (column 2 lines 39-45, column 3 lines 10-20). Refer to the above rejection for complete details.

54. As the rejection reads, Examiner asserts that the combination of these teachings render the claimed invention obvious.

Conclusion

55. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

56. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

57. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Ying (U.S. Patent Number 6,757,521) titled "Method and system for locating and assisting portable devices performing remote diagnostic analysis of a control network" disclosed a method and system for monitoring, controlling, and locating portable computerized devices performing remote diagnostic analysis of control networks. The portable, wireless equipment includes computerized display device connected to a wireless intermediary device for allowing a wireless connection to be made to a control network. Users may invoke various security functions by selecting the security menu. If a user has privileges associated with a system administrator, then selecting the Security icon from the main menu may enable the user to perform various system administration functions, such as, for example, adding a new user ID and password, deleting a user ID, or modifying an existing user's password. If the user logs on using a standard user logon ID (as opposed to a system administrator user ID), selecting the Security icon from the main menu may enable the user to perform certain system administrative functions unique to that individual, such as, for example, modifying his or her existing password.

b. Butt et al. (U.S. Patent Number 6,754,829) titled "Certificate-based authentication system for heterogeneous environments" disclosed an operating system independent method for an operator of a console to manage a device. An operating system independent session certificate is obtained by the operator of the console executing a first operating system, from a trusted core of the device executing a second operating system, to authenticate identity and group

membership of the operator. The operating system independent session certificate is provided by the operator to the device executing a third operating system, along with a management request. And, the device determines whether the authenticated operator has necessary access privilege to perform the management request based at least in part on the authenticated group membership of the operator set forth in the operating system independent session certificate.

c. Jones et al. (U.S. Patent Number 6,516,324) titled "Web-based report functionality and layout for diagnostic imaging decision support" disclosed a method and a system for providing remote access to scanner utilization or diagnostic imaging reports generated by a computer system having access to a database of collected scanner operational data. The system includes a security server, which validates users, determines their community membership, and assigns access privileges. Access privileges may be which reports are available to a customer based on that customer's service contract. The security server allows validated users access to appropriate reports served from the report server and transmitted to the customer's access station via the Internet.

58. Refer to the enclosed PTO-892 for details and complete listing of other pertinent prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665. The examiner can normally be reached on M-F 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



William Cuchlinski

SPE

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703-308-3873

tp
December 9, 2004